

To the Members of the California State Senate:

I am returning Senate Bill 1386 without my signature.

This bill would require that carbon monoxide devices be installed in residences beginning in 2010, thus placing a building standard in statute. This bill would also require that the Department of Housing and Community Development develop additional building standards concerning specific installation requirements for these devices.

While I am certainly concerned with the health and safety of Californians, this bill is an undesirable approach. Building standards should not be statutory. The Building Standards Commission (BSC) was created to ensure an open public adoption process allowing experts to develop standards and periodic updates to the building codes. Placing building standards in statute rather than regulation circumvents the existing state regulatory adoption process and excludes the input of safety and construction experts.

Smoke detectors in homes were approved by the BSC after a process of review of the safety, need, and reliability of the product. This process should be utilized for carbon monoxide devices.

Additionally, product reliability is an issue that has also affected attempts to require carbon monoxide devices through national building codes. The International Code Council, which writes a national model building code, recently rejected two proposals to require the installation of carbon monoxide devices in new residential dwellings, citing the lack of clear direction for placement of the devices and the propensity for false alarm indications. A recent test study indicated that alarm technology is not adequately reliable, resulting in false alarms or no alarm at all.

For these reasons, I am returning this bill without my signature.

Sincerely,

Arnold Schwarzenegger